

**TRIBAL CONSULTATION PROTOCOL  
BETWEEN  
THE UNITED STATES DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE  
AND  
THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA**

This Tribal Consultation Protocol implements Stipulation 2, Parts A and B. (State Agreements and Tribal Consultation Protocols; American Indian Tribal Consultation Protocols) of the Programmatic Agreement (PA) among the United States Department of Agriculture Natural Resources Conservation Service, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers, relative to conservation assistance on private and public lands.

The purpose of this agreement is to facilitate Minnesota Natural Resources Conservation Service conservation activities and to comply with laws and regulations pertaining to cultural resources on all lands of the Fond du Lac Band and all other lands held in fee title by the Fond du Lac Band, including but not limited to the 1854 Treaty boundaries (Treaty with the Chippewa).

The Minnesota Natural Resource Conservation Service (hereinafter called MN NRCS) and the Fond du Lac Band of Lake Superior Chippewa (herein after called the Band) agree that execution of this Protocol provides for implementation of policies and procedures developed by the MN NRCS to more effectively assure that effects of conservation activities on cultural resources within the exterior boundaries of American Indian Reservations are thoroughly considered in the earliest planning stages and that cultural resource protection is accomplished as efficiently as possible.

**WHEREAS**, the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) recognizes the status of the Band as a Sovereign Nation and a federally recognized Indian tribe with direct ties to lands within Minnesota; and

**WHEREAS**, the NRCS provides financial assistance to private landowners, American Indian Tribes, municipalities, counties, state, and federal agencies; and

**WHEREAS**, the NRCS has determined that NRCS programs providing financial assistance may result in effects to historic properties included in, or eligible for inclusion in the National Register of Historic Places (National Register); and

**WHEREAS**, the Nationwide Programmatic Agreement (Exhibit 1) allows NRCS to comply programmatically with its obligations under Section 106 and 110 (f) of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f) and requires Natural Resources Conservation Service to follow its policies and procedures for protecting cultural resources issued in the General Manual (GM) 420, Part 401 "Cultural Resources [Archeological and Historic Properties]" (Exhibit 2), the NRCS National Cultural Resources Handbook 190, Part 601.62; and

**WHEREAS**, the Band wishes to consult on NRCS undertakings in accordance with the National Historic Preservation Act (NHPA) (16 U.S.C. 470f) and the standard operating procedures of the Fond du Lac Land Use Ordinance.

**WHEREAS**, the NRCS has consulted with the Fond du Lac Band pursuant to 36 CFR 800.2(c)(1)(i) of the regulations implementing Section 106 of the National Historic Preservation Act (NHPA), 16 USC 470f; and

**WHEREAS**, the NRCS and the Band wish to develop an agreement to expedite the compliance process, speed delivery of conservation practices, and protect cultural resources, including traditional cultural and spiritual places; and

**WHEREAS**, the definitions given in GM 420 Part 401.2 are applicable throughout this state level agreement;

**THEREFORE**, the Minnesota NRCS and the Band agree to the following stipulations and will ensure that they are implemented:

### **STIPULATIONS**

#### **I. COMMUNICATION**

- A. For the purpose of signing of the Tribal Protocol, modifications to the Protocol, and/or annual reporting, the MN NRCS State Conservationist will communicate directly with the Band's Tribal Government.
- B. For the purpose of developing or reviewing the Protocol procedures or questions on MN NRCS cultural resources policy, the Band's Cultural Resources Staff will communicate directly with the MN NRCS Cultural Resources Specialist (CRS).
- C. For the purpose of project compliance activities, MN NRCS CRS will communicate directly with the Band's Cultural Resources Staff for concurrence determinations of effect and eligibility.
- D. Whenever possible, MN NRCS and the Band's Cultural Resources Staff will utilize electronic mail to communicate to increase efficiency and provide improved cultural resources compliance and protection. However, all formal compliance correspondence and final reports will be submitted in hard copy with appropriate signatures by MN NRCS. All return correspondence from the Band's Cultural Resources Staff to MN NRCS will be hard copy with appropriate signatures.
- E. Cultural resource and participant information is not subject to the Freedom of Information Act (FOIA). Section 304 of the NHPA and other Federal laws and program requirements restricts access to information concerning a producer/participant, an undertaking, and its effect on cultural resources.

#### **II. NRCS RESPONSIBILITIES**

- A. MN NRCS State Conservationist is the responsible Federal Official for cultural resources compliance and the protection of cultural resources in all MN NRCS activities.
- B. MN NRCS District Conservationists (DC) are responsible at the Field Office level for implementing MN NRCS cultural resources policies and procedures, and the compliance process outlined in this Protocol.
- C. The CRS will oversee the MN NRCS cultural resources review process and will coordinate directly with the NRCS DCs and the Band's Cultural Resources Staff.

- D. Any cultural resources work conducted by the MN NRCS on any Band lands will be conducted only in cooperation with and authorization from the Band's Tribal Council or Cultural Resources Staff.
- E. The Minnesota NRCS further agrees that access to specific site location data will be restricted to the Cultural Resources Specialist (CRS).
- F. MN NRCS CRS must have an advanced degree in archeology, or in architectural history, historical architecture or history with an archaeology minor, and meet other academic and experience requirements for his/her discipline as found in *Archaeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines, Federal Register* 1983, Vol. 48, No. 190, pages 44738-44739. MN NRCS CRS will document that they have met the above requirements in a vita on file with the Band's Cultural Resources Staff.
- G. The CRS shall be responsible for:
  - 1. Formulating state MN NRCS cultural resource guidance and procedures as it relates to consultation with Federally Recognized American Indian Tribes.
  - 2. Providing technical assistance in erosion control and protection of eroding cultural resources when requested by the Band's Tribal Council or Cultural Resources Staff and as time and staff resources permit. Requests will be coordinated directly through the CRS.

### III. FOND DU LAC BAND RESPONSIBILITIES:

- A. The Band agrees to review compliance documentation on undertakings as specified for cultural resource review in Exhibit 3 (Conservation Practices Classification). The Band's Cultural Resources Staff further agrees to comment in writing regarding the undertakings within 60 days of receipt of the Initial Review Request. Failure of the Band's Cultural Resource Staff to respond to the initial review request within 60 days may be construed to indicate that no adverse effects are expected from the proposed undertakings.

### IV. USE OF NRCS FIELD OFFICE PERSONNEL

MN NRCS provides formal and informal cultural resources training to NRCS field office personnel and conservation district staff that has professional expertise other than cultural resources. NRCS Field Office personnel may accompany the NRCS CRS when assisting the Band in cultural resource management efforts, or may accompany the Band's Cultural Resources Staff if the Band approves.

### V. TRAINING

- A. MN NRCS will integrate cultural resources conservation and education for producers and landowners into the planning and assistance process statewide. MN NRCS will assist the Band with cultural resources training or with training regarding NRCS programs if the Band wishes.
- B. MN NRCS will offer cultural resources training to county conservation district personnel, Farm Service Agency personnel, Rural Development personnel, Tribal Government personnel, State Agencies, and personnel from other cooperating agencies or other groups. This training will occur when it is officially requested, when it will benefit and support MN NRCS conservation mission, and when staff schedules allow.

- C. The Band's Training Responsibilities: Fond du Lac Cultural Resources Staff or other interested band members are encouraged to participate in MN NRCS training programs (i.e. as participants, instructors, group leaders, guest lecturers, etc.).

## VI. NATIONAL EXEMPTIONS

This Protocol acknowledges the appropriateness of, and implements Stipulation 3, National Exemptions as found in the Nationwide Programmatic Agreement (EXHIBIT 1).

## VII. NRCS PRACTICES EXEMPTED FROM CASE-BY-CASE REVIEW

EXHIBIT 3 of this Protocol identifies:

- MN NRCS practices and/or programs exempted from case-by-case review, as appropriate to the cultural, historical, and ecological conditions designated by the Band. These practices are primarily management related or will have minimal physical affect or impact on cultural resources.
- Those practices considered undertakings and presumed to have the potential to impact cultural resources.

## VIII. COMPLIANCE ACTIVITIES AND DOCUMENTATION

- A. MN NRCS field office personnel will determine if conservation practices are subject to the Band's Cultural Resources Staff review based on Stipulation VII (National Exemptions) and EXHIBIT 3 of this Protocol. Cultural Resources Reviews will be sent to the Band's Cultural Resources Staff in the earliest possible stages of the planning process.
1. If a practice is not subject to review by the Band's Cultural Resources Staff (i.e. is an exempt practice in accord with Exhibit 3), the DC will document this decision at the field office level and proceed with the practice.
  2. If the practice is subject to review by the Band's Cultural Resources Staff (considered an undertaking in accord with Exhibit 3), MN NRCS field office personnel will provide the following information to both the MN CRS and the Band's Cultural Resources Staff to assist in their determination of acceptable work on NRCS undertakings:
    - MN-CPA-048 Review Request Form (includes project location data (county, township, range, section and quarter section), description of ground or vegetation disturbing activity, NRCS Program, etc (see Exhibit 4).
    - Labeled photocopy of a section of the appropriate USGS 7.5-minute quadrangle map with the practice location or project area where ground disturbance will occur delineated or highlighted
    - Aerial photographs depicting in detail where the conservation practice(s) will be implemented.
  - a. The Band's Cultural Resources Staff will notify the NRCS DC and/or the NRCS CRS of the outcome of their review via letter, email, or verbally, within the time frame allotted in this Protocol (i.e. 60 days). If the review period has elapsed, a

determination of no adverse effect will be documented and implementation of the conservation practice will proceed.

- b. The DC will notify the CRS or vice versa of all project review outcomes whether or not they are received in writing from the Band's Cultural Resources Staff. The DC will file all compliance documentation in the producer's file. The CRS will file all compliance documentation in their county files for reporting purposes.
- c. If an archaeological survey is recommended by the Band's Cultural Resources Staff, the Band's Cultural Resources Staff can perform the survey with or without assistance from NRCS Field Office personnel or the NRCS CRS.
- d. If cultural resources are discovered during the planning phase of a project as a result of a field reconnaissance visit or archaeological survey, the Band's Cultural Resources Staff will contact the NRCS CRS to discuss treatment options for the resource.

#### IX. HUMAN REMAINS

If human remains are discovered in the area of potential effect (APE) during planning or implementation of a conservation practice, on Band lands, all activities will cease and the Band's Cultural Resources Staff will be notified in accordance with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).

#### X. CURATION

When archaeological or historic material remains are recovered during the course of NRCS activities on Fond du Lac lands, recovered materials are the property of the Band. Curation of recovered materials will be the responsibility of the Band with financial or technical assistance from NRCS when necessary. NRCS has no jurisdiction over federal lands within the boundaries of Band. If materials are recovered during the course of an NRCS sponsored or assisted data recovery effort, the NRCS will ensure that all recovered materials returned to the Band. Associated records that are prepared or assembled in connection with a federally authorized cultural resources survey, excavation, or other study, regardless of the location of the resource, become the property of the Band.

#### XI. COMPLIANCE DOCUMENTATION

The Minnesota NRCS shall ensure that reports on all activities carried out pursuant to this agreement are provided to the Band's Cultural Resources Staff.

#### XII. POST REVIEW DISCOVERIES

- A. MN NRCS will follow 36 CFR 800.13 for all post-review discoveries. This includes when cultural resources are discovered or unanticipated effects on cultural resources are found before or after MN NRCS has completed the section 106 process.
- B. MN NRCS DC will inform producers of discovery procedures in writing. In a discovery situation during MN NRCS administered undertakings:
  - 1. If previously unidentified cultural resources are encountered during implementation of a practice, all work shall cease immediately in the area of discovery and MN NRCS personnel shall notify the Band's Cultural Resources Staff and the NRCS Cultural Resources Specialist.

2. The Band's Cultural Resources Staff, and the NRCS CRS, will evaluate the discovery for NRHP eligibility; determine potential effects and treatment options, and consult on treatment options.
  3. In the case of adverse effects to cultural resources, the MN NRCS State Conservationist and MN NRCS CRS will notify and consult with the Band's Cultural Resources Staff.
- C. If the discovery includes human remains, consultation will be carried out in accordance with Stipulation IX.

### XIII. TRADITIONAL CULTURAL PROPERTIES, SACRED SITES AND CEREMONIAL RITES

Traditional cultural properties, sacred sites and ceremonial rites shall be treated in the same manner as other cultural resources. Priority will be given to site avoidance. Locations of such properties will remain highly confidential.

### XIV. EMERGENCIES

The following procedures will be implemented during an emergency declared by the President of the United States, the Governor of Minnesota, an authorized Tribal Official on a Reservation, the MN NRCS State Conservationist, or other authorized individual, in accord with 36 CFR 800.12 and as outlined in the NRCS National Watershed Manual, Part 509, Emergency Watershed Protection (in Draft) and in Exhibit 5 (to be appended when completed). These procedures will ensure that the need to protect life and property is accomplished while taking cultural resources into account to the maximum extent congruent with rapidly changing priorities and circumstances. These emergency situations are of two types, with separate compliance processes.

- A. Emergency Activities include those declared by the MN NRCS State Conservationist, Tribal Government, or President of the United States. During Normal Emergency Activities MN NRCS CRS will make decisions for treatments to cultural resources in consultation with the Band's Cultural Resources Staff. Conservation practices required in these areas will be inventoried or monitored. The Band's Tribal Council will have fourteen days to review MN NRCS reports in these situations instead of the regular 30 days as defined in 36 CFR 800.12 (b) (2).
- B. Urgent and Compelling Situations require that work be initiated within five days to save life or property. Regarding these situations, 36 CFR 800.12 (d) states, "Immediate rescue and salvage operations conducted to preserve life and property are exempt from the provisions of Section 106 and this part." In these declared disaster situations, MN NRCS shall proceed with the undertaking and MN NRCS CRS shall notify the Band's Cultural Resources staff as soon as possible after the situation has been identified and accepted as urgent and compelling. The waiver may be invoked in only a limited range of circumstances involving major natural disaster or imminent threat to life or property. Notification should include a description of the circumstances creating the urgent and compelling situation, work to be undertaken, geographic area to which the waiver applies, and any consideration of cultural resources already completed or planned to be completed. MN NRCS CRS will be responsible to document and avoid adverse effects to cultural resources encountered during urgent and compelling work to the fullest extent practical.

## XV. ANNUAL REVIEW

- A. The MN NRCS and the Band will discuss the Protocol and any problems or unexpected issues encountered on an as needed basis.
- B. MN NRCS will provide the Band with a current list of conservation practices and/or changes or updates to the practice list.

## XVI. AMENDMENTS

This agreement may be amended upon the request of either party at any time. The parties will consult in accordance with NRCS GM 420, Part 401 to consider such amendments.

## XVII. DURATION

Either party may terminate this agreement at any time if, after a good faith effort to negotiate, parties do not concur. The agreement may be terminated by providing thirty (30) days written notice to the other party. Termination of the agreement shall not relieve either party of legal obligations or responsibilities under applicable Federal or Tribal laws and regulations.

## **NATURAL RESOURCES CONSERVATION SERVICE**

**By:** \_\_\_\_\_, **Date** \_\_\_\_\_  
**STATE CONSERVATIONIST FOR MINNESOTA**

## **FOND DU LAC BAND OF MINNESOTA CHIPPEWA**

**By:** \_\_\_\_\_, **Date** \_\_\_\_\_  
**FOND DU LAC TRIBAL CHAIR**

**By:** \_\_\_\_\_, **Date** \_\_\_\_\_

**By:** \_\_\_\_\_, **Date** \_\_\_\_\_



# **Exhibit 1:**

**Nationwide Programmatic Agreement among the United States  
Department Agriculture Natural Resources Conservation Service, the  
Advisory Council on Historic Preservation and the National  
Conference of State Historic Preservation Officers**

**Can be viewed at:**

**[http://www.nrcs.usda.gov/technical/ECS/culture/PA\\_31.pdf](http://www.nrcs.usda.gov/technical/ECS/culture/PA_31.pdf)**

## **Exhibit 2:**

### **NRCS General Manual 420, Part 401 - Cultural Resources (Archeological and Historic Properties) & Part 601 - Cultural Resources**

Can be viewed at:

**[http://policy.nrcs.usda.gov/scripts/lpsiis.dll/GM/GM\\_420\\_401.htm](http://policy.nrcs.usda.gov/scripts/lpsiis.dll/GM/GM_420_401.htm)**

### **Exhibit 3:**

#### **Classification of Conservation Practices**

Activities and Conservation Practices in Minnesota will be classified as undertakings or exempt practices. Practices which are not listed are considered undertakings and are presumed to have the potential to impact historic properties/cultural resources. New activities and practices may be added to the list and review classifications may be changed by amendment to this document.

#### **EXEMPT PRACTICES (NOT GROUND DISTURBING):**

Practices listed as not ground disturbing are not considered undertakings and no cultural resources actions are required for their installation (no review). These practices are primarily management related practices which will not have any physical effects and will not alter a cultural resource.

#### **UNDERTAKINGS (GROUND DISTURBING):**

These practices and activities are presumed to have the potential to impact cultural resources and are considered undertakings.

Copies of quad maps showing the area of potential effect for the practices will be submitted to the Bois Forte Cultural Resources Staff and the NRCS Cultural Resources Specialist for review. The quad maps shall be photocopied according to the following instructions.

1. Copy on a 8.5 x 11 sheet of paper
2. Copy at least one setting darker than the normal setting
3. Center the section where the practice is to be installed in the center of the page
4. Orient the quad so that north is at the top of the 8.5 by 11" copy page (portrait).
5. Do not enlarge or reduce the copy.
6. Label the quad map at the bottom of the copy. Information on the label should include:
  - County
  - Quad name
  - Landowner's name
  - Township
  - Range
  - Section
  - Quarter section
7. Locate and highlight the Area of Potential Effect on the quad as well as any other areas that may be disturbed (e.g. borrow areas, equipment storage, etc.)

<b>Conservation Practice</b>	<b>Code</b>	<b>Exempt</b>	<b>Undertaking</b>
Access Road (ft)	560		■
Alley Cropping (ac)	311	■	
Anaerobic Digester-Controlled Temperature (no)	366	■	■
<b>Animal Mortality Facility (no)</b>	<b>316</b>		■
Animal Trails and Walkways (ft)	575		■
Biofilter	795	■	
Brush Management (ac)	314*	■	■
Channel Bank Vegetation (ac)	322	■	
Clearing and Snagging (ft)	326	■	
Closure of Waste Impoundments (no)	360	■	
Composting Facility (no)	317	■	
Conservation Cover (ac)	327	■	
Conservation Crop Rotation (ac)	328	■	
Contour Buffer Strips (ac)	332	■	
Contour Farming (ac)	330	■	
Cover Crop (ac)	340	■	
Critical Area Planting (ac)	342	■	
Cross Wind Ridges (ac)	589A	■	
Cross Wind Trap Strip (ac)	589C	■	
Dam (no., ac , ft)	402		■
Deep Tillage (ac)	324		■
Dike (ft)	356		■
Diversion (ft)	362		■
Drainage Water Management	554	■	
Dry Hydrant (ea)	432		■
Early Successional Habitat Development/Mgt. (ac)	647	■	■
Fence (ft)	382	■	■
Field Border (ft)	386	■	
Filter Strip (ac)	393*	■	■
Firebreak (ft)	394*	■	■
Forage Harvest Management	511	■	
Forest Site Preparation (ac)	490*	■	■
Forest Stand Improvement (ac)	666	■	■
Forest Trails and Landings (ac)	655		■
<b>Grade Stabilization Structure (no)</b>	<b>410</b>		■
Grassed Waterway (ac)	412	■	
Heavy Use Area Protection (ac)	561		■
Hedgerow Planting (ft)	422*	■	■
Herbaceous Wind Barriers (ft)	422A	■	
Irrigation System, Sprinkler (no & ac)	442	■	
Irrigation Water Management (ac)	449	■	
Lined Waterway or Outlet (ft)	468		■
Manure Transfer	634		■
Mine Shaft and Adit Closing (no)	457		■
Mulching (ac)	484	■	
Nutrient Management (ac)	590	■	
Obstruction Removal (ac)	500		■
<b>Conservation Practice</b>	<b>Code</b>	<b>Exempt</b>	<b>Undertaking</b>

Open Channel (ft)	582		■
Pasture and Hay Planting (ac)	512	■	
Pest Management (ac)	595	■	
Pipeline (ft)	516*	■	■
<b>Pond (no)</b>	<b>378</b>		■
Pond Sealing or Lining, Bentonite Sealant (no)	521C	■	
Pond Sealing or Lining, Flexible Membrane Lining (no)	521A	■	
Prescribed Burning (ac)	338	■	■
Prescribed Grazing (ac)	528A	■	
Pumping Plant (no)	533		■
Range Planting (ac)	550	■	
Recreation Area Improvement (ac)	562		■
Residue Management, Mulch Till (ac)	329B	■	
Residue Management, No Till and Strip Till (ac)	329A	■	
Residue Management, Ridge Till (ac)	329C	■	
Residue Management, Seasonal (ac)	344	■	
Restoration and Management of Declining Habitats (ac)	643	■	
Riparian Forest Buffer (ac)	391*	■	■
Riparian Herbaceous Cover (ac)	390*	■	■
Roof Runoff Management (no)	558	■	
Runoff Management System (no/ac)	570	■	
Sediment Basin (no)	350		■
Sinkhole Treatment	725		■
Spoil Spreading (ac)	572	■	
Spring Development (no)	574		■
Stream Channel Stabilization (ft)	584		■
Stream Crossing (no)	578		■
Stream Habitat Improvement (ft)	395		■
Streambank and Shoreline Protection (ft)	580		■
Stripcropping (ac)	585	■	
Structure for Water Control (no)	587		■
<b>Subsurface Drain (ft)</b>	<b>606*</b>	■	■
Surface Drainage, Field Ditch (ft)	607		■
Surface Drainage, Main or Lateral (ft)	608		■
Terrestrial Invasive Plant Species Pest Mgmt.	797	■	
<b>Terrace (ft)</b>	<b>600</b>		■
Tree/Shrub Establishment (ac)	612*	■	■
Tree/Shrub Pruning (ac)	660A	■	
<b>Underground Outlet (no)</b>	<b>620*</b>	■	■
Upland Wildlife Habitat Management (ac)	645*	■	■
Use Exclusion (ac)	472*	■	■
Vegetative Barrier (ft)	601*	■	■
Waste Facility Cover (no)	367	■	
Waste Storage Facility (no)	313		■
Waste Treatment		■	
Wastewater Treatment Strip	635	■	
Waste Utilization (ac)	633	■	
<b>Water and Sediment Control Basin (no)</b>	<b>638</b>		■
<b>Conservation Practice</b>	<b>Code</b>	<b>Exempt</b>	<b>Undertaking</b>
Water Harvesting Catchment (no)	636	■	■

Water Well (no)	642*	■	■
Watering Facility (no)	614	■	
Well Decommissioning (no)	351	■	
<b>Wetland Creation (ac)</b>	<b>658*</b>	■	■
<b>Wetland Enhancement (ac)</b>	<b>659*</b>	■	■
<b>Wetland Restoration (ac)</b>	<b>657*</b>	■	■
Wetland Wildlife Habitat Management (ac)	644*	■	■
Windbreak/Shelterbelt Establishment (ft)	380*	■	■
Windbreak/Shelterbelt Renovation (ft)	650*	■	■

**Practices in Bold** are reviewed by MN NRCS CRS and are not reviewed by SHPO for Section 016 purposes. NRCS CRS has Section 106 approval on these practices.

\*Indicates practices that can be considered as Undertakings or as Exempt depending on the level of impacts, location and depth of disturbance, borrow area location, and based on discussions, when necessary, between Field Office personnel and the MN CRS and the Band.

# **Exhibit 4:**

**MN-CPA-048**

## **NRCS Cultural Resources Initial Review Request Form**

**Form can be found at:**

**<http://efotg.nrcs.usda.gov/references/public/MN/mncpa48.doc>**

## CULTURAL RESOURCES INITIAL REVIEW REQUEST

### USDA, Natural Resources Conservation Service -- Minnesota

Service Center: \_\_\_\_\_ Date: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ Ext.: \_\_\_\_\_

#### Area of Proposed Ground Disturbance:

County: \_\_\_\_\_ Quad Name: \_\_\_\_\_

Owner/Operator/Tribe: \_\_\_\_\_ Current Land Use: \_\_\_\_\_

Township \_\_\_\_\_ N \_\_\_\_\_ Range \_\_\_\_\_ ☐ W or ☐ E Section \_\_\_\_\_ Quarter Section \_\_\_\_\_

USDA Funding: ☐ CRP ☐ CREP ☐ EQIP ☐ WHIP ☐ WRP ☐ CSP ☐ EWP ☐ ECP ☐ CTA ☐ Other

If other or CTA, explain NRCS involvement: \_\_\_\_\_

Practice: \_\_\_\_\_ Practice Code: \_\_\_\_\_

Describe Ground Disturbing Activity: \_\_\_\_\_

Estimated Depth  
of Disturbance: \_\_\_\_\_

Has the area been Previously Disturbed? ☐ Yes ☐ No Explain: \_\_\_\_\_

Acres of Proposed Ground Disturbance: \_\_\_\_\_ Planned Construction Date: \_\_\_\_\_

Historic Wetland: ☐ Yes ☐ No Tile Present: ☐ Yes ☐ No Hydric Soils: ☐ Yes ☐ No

#### Discussion with Owner/Operator:

Is the owner/operator aware of any prehistoric remains (i.e., projectile points, potsherds, or mounds) or historic structural remains (i.e., old farmsteads, mills, mines, or logging camps) that occur or have occurred in the area of proposed ground disturbance? Describe.

#### NRCS Personnel Project Site Visit:

Individual: \_\_\_\_\_ Date : \_\_\_\_\_

Percent ground visibility: \_\_\_\_\_ Ground Cover: \_\_\_\_\_

Were any artifacts or structural remains observed during preliminary site visits?



Send the completed form and labeled map to:

**Reggie DeFoe**  
**Director, Resource Management**  
**1720 Big Lake Road**  
**Cloquet, MN 55720**  
**218-878-8000**  
**reggiedefoe@FDLRez.com**

Copy the completed form to:

Pat McLoughlin, Cultural Resources Specialist  
NRCS Minnesota State Office  
375 Jackson Street, Suite 600  
St. Paul, MN 55101  
651-602-7907 ph  
651-602-7914 fax  
Patrick.mcloughlin@mn.usda.gov

Form can be found on line at:

**<http://efotg.nrcs.usda.gov/references/public/MN/mncpa48.doc>**

or at:

**<http://efotg.nrcs.usda.gov/treemenuFS.aspx?Fips=27001&MenuName=menuMN.zip>**

## **Exhibit 5:**

### **Part 509 of the National Watershed Manual**

**(Still in draft)**